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Fifty-third session
Agenda item 11
Report of the Security Council

SECURITY COUNCIL
Fifty-third year

Identical letters dated 13 November 1998 from the Permanent Representative of Belarus to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to transmit to you the statement by the Council of the Republic of the National Assembly (the lower house of Parliament) of Belarus adopted on 12 November 1998 in connection with the continuing danger of possible military action against the Federal Republic of Yugoslavia (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 11, and of the Security Council.

(Signed) Alyaksandr SYCHOU
Ambassador
Permanent Representative of
Belarus to the United Nations

## Annex

### Statement by the Council of the Republic of the National Assembly of the Republic of Belarus adopted on 12 November 1998

The Council of the Republic of the National Assembly of the Republic of Belarus expresses serious concern over the continued existence of a serious threat of military action in the Balkans by the North Atlantic Treaty Organization (NATO), despite the fact that the Yugoslav leadership has taken practical steps for the implementation of Security Council resolution 1199 (1998): it has begun the withdrawal of special police units to the places where they are permanently stationed, conditions are being created for the return of refugees and efforts are being made for the conduct of a political dialogue.

The members of the Council of the Republic of the National Assembly of the Republic of Belarus are convinced that the use of military force by the North Atlantic Treaty Organization will only make the situation worse, destroy the prospects for peace talks and lead to a marked deterioration of the situation in the Balkans and the regions adjacent to Kosovo. A military operation will result in many losses of life among the civilian population and increase the flow of refugees.

The Republic of Belarus is in favour of the international community sending to Kosovo impartial observers who would be able to make a realistic assessment of the situation and promote a peaceful settlement of the conflict.

There is a need to resume as soon as possible the work of the Organization for Security and Cooperation in Europe (OSCE) mission in Kosovo, since the Parliament of the Federal Republic of Yugoslavia has confirmed in its decision its readiness to facilitate the work of the mission in implementation of the Security Council resolution.

We call on the parliaments and parliamentarians of all countries to do everything possible to prevent military action in Kosovo and to promote a peaceful solution to this problem.

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**Fifty-third session**
Agenda items 46 (a) and 110 (b)

**Fiftieth anniversary of the Universal Declaration of Human Rights**

**Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

# Letter dated 18 November 1998 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly

On behalf of the twenty-six delegations listed below, I have the honour to request that the attached declaration be circulated as a document of the fifty-third session of the General Assembly under agenda items 46 (a) and 110 (b):

Algeria, Bahrain, Benin, China, Cuba, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Iran (Islamic Republic of), Iraq, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Mauritania, Myanmar, Niger, Oman, Pakistan, Qatar, Singapore, Sudan, Syrian Arab Republic, United Arab Emirates and Viet Nam.

Egypt will be introducing the enclosed joint declaration on the occasion of the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

(*Signed*) Nabil **Elaraby**
Ambassador
Permanent Representative

98-35950 (E) 181198

# Annex

## Declaration submitted by twenty-six Member States on the occasion of the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms constitutes a great event that has long been awaited by the international community.

The text of the Declaration represents a compromise solution that has been carefully negotiated for more than 13 years. However, we believe that it is our duty, in order to ensure respect and consideration for the Declaration, to reiterate our understanding of some of its aspects and provisions. In that regard, we would like to stress the following:

1. The primary responsibility and duty to promote and protect all human rights and fundamental freedoms lie with the State. It is the responsibility of the State to ensure and create conditions conducive for individuals to enjoy their universally recognized human rights and fundamental freedoms. Only the State can adopt legal, legislative and administrative guarantees to ensure that all persons under its jurisdiction are able to enjoy all human rights and fundamental freedoms.

2. The exercise by individuals and groups of their rights and obligations in the field of human rights and fundamental freedoms derive from and is governed by, *inter alia*, the Charter of the United Nations and the universally recognized international human rights instruments. Therefore, the interpretation of this Declaration should be in conformity with the following:

(a) The Charter of the United Nations and the principles enshrined therein, in particular:

- respect for the sovereignty of States and their territorial integrity;
- non-interference in the internal affairs of States;

(b) The applicable instruments of human rights widely subscribed to by States, such as the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments;

(c) The rights and obligations stipulated in the Declaration should be exercised in full conformity with domestic law, which is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all activities referred to in the Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

3. Any interpretation contrary to the aforesaid or aiming to create rights and obligations not in conformity with the Charter of the United Nations or universally recognized international human rights instruments does not correspond to our understanding. Any interpretation that creates rights and obligations not provided for by domestic laws does not correspond to our understanding.

We refer to some examples, in that regard, below:

- Article 7 of the Declaration gives the right to individuals and groups to develop and discuss new human rights ideas and principles, and to advocate them. It is our understanding that this article refers only to ideas and principles in conformity with the Charter of the United Nations, universally recognized international human rights instruments and domestic law. The advocacy of new human rights ideas and principles should be done in conformity with domestic law and subject to the modalities provided therein, as provided for in article 3 of the Declaration;

- The recourse to international mechanisms by an individual or a group to lodge a complaint according to article 9, paragraph 4, of the Declaration is only possible if the concerned State is a party to the instrument and after the exhaustion of local remedies provided by domestic law. This principle of exhaustion of local remedies is a principle recognized by international law;

- The right to solicit, receive and utilize resources by individuals and groups to promote and protect human rights, as stated in article 13 of the Declaration, can be exercised only in conformity with domestic law of the State concerned.

4. Finally, in interpreting the provisions of the Declaration, various cultural, religious, economic and social backgrounds of societies must be taken into account.

These are the positions and explanations that we wanted to highlight and clarify concerning our interpretation of the Declaration we are adopting today. It is our hope that with this interpretation, the Declaration will contribute to a better enjoyment of human rights and fundamental freedoms by individuals and groups.

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# Financing of the United Nations Observer Mission in Sierra Leone

## Report of the Fifth Committee

*Rapporteur*: Mr. Tammam **Sulaiman** (Syrian Arab Republic)

## I. Introduction

1. At its 3rd plenary meeting, on 15 September 1998, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-third session the item entitled "Financing of the United Nations Observer Mission in Sierra Leone" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 25th and 29th meetings, on 12 and 18 November 1998. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/53/SR.25 and 29).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the financing of the United Nations Observer Mission in Sierra Leone (A/53/454) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/53/654).

## II. Consideration of draft resolution A/C.5/53/L.14

4. At the 29th meeting, on 18 November, the representative of Canada and coordinator of informal consultations on the item introduced a draft resolution entitled "Financing of the United Nations Observer Mission in Sierra Leone" (A/C.5/53/L.14), submitted by the Chairman on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/53/L.14 without a vote (see para. 7).

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6. After the adoption of the draft resolution, a statement in explanation of position was made by the representative of Pakistan (see A/C.5/53/SR.29).

## III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

**Financing of the United Nations Observer Mission in Sierra Leone**

*The General Assembly,*

*Having considered* the report of the Secretary-General on the financing of the United Nations Observer Mission in Sierra Leone[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

*Bearing in mind* Security Council resolution 1181 (1998) of 13 July 1998, by which the Council decided to establish the United Nations Observer Mission in Sierra Leone for an initial period of six months, until 13 January 1999,

*Recognizing* that the costs of the Observer Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

*Recognizing also* that, in order to meet the expenditures caused by the Observer Mission, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

*Taking into account* the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

*Bearing in mind* the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of such operations,

*Noting with appreciation* that voluntary contributions have been made to the Observer Mission,

*Mindful* of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under Security Council resolution 1181 (1998),

1. *Expresses concern* about the financial situation with regard to peacekeeping activities, in particular as regards the reimbursement of troop contributors, which bear additional burdens owing to overdue payments by Member States of their assessments;

2. *Urges* all Member States to make every possible effort to ensure payment of their assessed contributions to the United Nations Observer Mission in Sierra Leone in full and on time;

3. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

[1] A/53/454.
[2] A/53/654.

4. *Requests* the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with a maximum of efficiency and economy;

5. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to employ locally recruited staff for the Observer Mission against General Service posts, commensurate with the requirements of the Observer Mission;

6. *Decides* to appropriate the amount of 22 million United States dollars gross (21,279,800 dollars net) for the establishment and operation of the Observer Mission for the period from 13 July 1998 to 30 June 1999, inclusive of the cost of deploying military and civilian personnel in the amount of 783,700 dollars gross (768,100 dollars net) for the period from 17 April to 12 July 1998 and of the amount of 10,624,200 dollars gross (10,409,500 dollars net) previously authorized by the Advisory Committee for the period from 13 July to 13 November 1998, and requests the Secretary-General to establish a special account for the Observer Mission;

7. *Decides also*, as an ad hoc arrangement, to apportion among Member States the amount of 12,926,600 dollars gross (12,610,300 dollars net) for the period from 13 July 1998 to 13 January 1999 in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolutions 44/192 B of 21 December 1989, 45/269 of 27 August 1991, 46/198 A of 20 December 1991, 47/218 A of 23 December 1992, 49/249 A of 20 July 1995, 49/249 B of 14 September 1995, 50/224 of 11 April 1996, 51/218 A to C of 18 December 1996 and 52/230 of 31 March 1998 and its decisions 48/472 A of 23 December 1993 and 50/451 B of 23 December 1995, and taking into account the scale of assessments for the years 1998 and 1999, as set out in its resolution 52/215 A of 22 December 1997;

8. *Decides further* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 7 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 316,300 dollars approved for the Observer Mission for the period from 13 July 1998 to 13 January 1999;

9. *Decides*, as an ad hoc arrangement, to apportion among Member States the amount of 9,073,400 dollars gross (8,669,500 dollars net) for the period from 14 January to 30 June 1999 at a monthly rate of 1,620,250 dollars gross (1,548,125 dollars net), in accordance with the scheme set out in the present resolution and taking into account the scale of assessments for the year 1999, as set out in its resolution 52/215 A, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 13 January 1999;

10. *Decides also* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 403,900 dollars approved for the Observer Mission for the period from 14 January to 30 June 1999;

11. *Invites* voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

12. *Decides* to keep under review during its fifty-third session the item entitled "Financing of the United Nations Observer Mission in Sierra Leone".